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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/719,507	12/12/2000	Reinhold Hofmann	HOFMANN R1 8813			
75	90 02/23/200		EXAMINER			
Collard & Roe 1077 Northern Boulevard			KASENGE, CHARLES R			
Roslyn, NY 1			ART UNIT	PAPER NUMBER		
			2125	2125		

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	•	Applicatio	n No.	Applicant(s)				
Office Action Summary		09/719,507 HOFM		HOFMANN, REIN	MANN, REINHOLD			
		Examiner		Art Unit				
		Charles R	Kasenge	2125				
Period for	- The MAILING DATE of this communication ap r Reply	pears on the	cover sheet with the c	orrespondence ad	Idress			
A SHO THE M - Extens after S - If the p - Failure Any re	DRTENED STATUTORY PERIOD FOR REPL MAILING DATE OF THIS COMMUNICATION. sions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a repperiod for reply is specified above, the maximum statutory period to the period for reply within the set or extended period for reply will, by statutiply received by the Office later than three months after the mailing patent term adjustment. See 37 CFR 1.704(b).	136(a). In no ever ply within the statut d will apply and will te, cause the applic	nt, however, may a reply be timory minimum of thirty (30) days expire SIX (6) MONTHS from cation to become ABANDONEI	nely filed s will be considered timel the mailing date of this or D (35 U.S.C. § 133).				
Status								
1)🖂 🗆	Responsive to communication(s) filed on 19 (October 2004						
·	This action is FINAL . 2b)⊠ This action is non-final.							
•	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Dispositio	on of Claims							
5) \bigsim (4) \bi								
Application	on Papers							
9)□ T	The specification is objected to by the Examin	ner.						
=	10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.							
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
	Replacement drawing sheet(s) including the correc The oath or declaration is objected to by the E	•						
Priority u	nder 35 U.S.C. § 119							
a)∑	Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority document Certified copies of the priority document Copies of the certified copies of the priority document Cepies of the certified copies of the priority document Cepies of the certified copies of the priority document Cepies of the certified copies of the priority document Cepies of the	nts have beer nts have beer ority documer au (PCT Rule	received. received in Applications have been received 17.2(a)).	on No ed in this National	Stage			
Attachment(• •							
1) Notice 2) Notice	of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948)		4) Interview Summary Paper No(s)/Mail Da					
3) 🔲 Inform	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08 No(s)/Mail Date		5) Notice of Informal P 6) Other:		D-152)			

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DETAILED ACTION

Claim Objections

1. Claim 30 is objected to because of the following informalities: "regulating algorithms and/or the controlling and/or the regulating parameters" should be "regulating algorithms and/or the controlling parameters and/or the regulating parameters". Also, commas before each and/or is preferred. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- Claims 2 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Cox et al.

 U.S. Patent 5,980,695. Cox discloses an electronic control system for aggregates generating compressed air and vacuum (col. 5, lines 45-67 and Fig. 2), with programmable electronic circuits for controlling, regulating and monitoring the technical functions of such aggregates (col. 3 and 4, lines 66-67 and 1-4), in particular the functions of the compressed air generator or of the vacuum pump and of the associated drives, as well as of the treatment of the compressed air (col. 5, lines 45-67; Fig. 2, 17 and 31), wherein the electronic control system is configured as a standardized control system for employment in a multitude of different aggregates for generating compressed air or vacuum (col. 11, lines 33-41 and Fig. 2), and has an industrial PC or industrial microcomputer monitored and controlled by an operating system and comprising one or a

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plurality of microprocessors and a central data memory (col. 11, lines 33-41) containing at least controlling and regulating software and a multitude of aggregate-specific data profiles in a recallable manner (col. 12, lines 11-38) said data profiles comprising the data belonging to the aggregates and their components with respect to the controlling and regulating algorithms and/or the controlling and/or the regulating parameters (col. 12, lines 11-38) and/or the technical characteristics and limit values (col. 13, lines 42-55) and/or the aggregate-specific occupancy of the inputs and outputs (col. 13, lines 13-24). Cox discloses a real-time operating system (col. 11. lines 33-41).

Allowable Subject Matter

4. Claims 3-6, 9, 11-29, 31, and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK

February 14, 2005

LEO PICARD SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2100

L. P.P.